

# HIPAA AND OTHER FEDERAL LAWS

Federal laws need to be reviewed carefully before sharing student health records. The Health Insurance Portability and Accountability Act (HIPAA) mandates actions that “covered entities” must take to protect the privacy of the individual’s health information. The U.S. Department of Health and Human Services (HHS) has issued rules to implement and enforce these privacy requirements.

Generally, entities covered by HIPAA may release or receive “protected health information” about an individual only if the individual gives permission for release or the Act expressly permits release of information. The Advisory Statement discusses students’ records:

...under a final rule issued by HSS, health information contained within student education records that are subject to the Family education Rights and Privacy Act (FERPA) is exempt from the requirement of HIPAA.<sup>(12)</sup>

“Educational record” includes individually identifiable health information of students under the age of 18 created by a nurse in a primary or secondary school receiving federal funds.”<sup>(13)</sup> A copy of the complete “Advisory Statement on Local School Districts’ Responsibilities Under HIPAA” from the KSBA and KDE along with a model authorization form may be found at: <http://www.ksba.org/legalhipaa.htm>.

All records are to be considered under these privacy acts. For retention student health records, see the Records Retention Schedule in the Appendix.